

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF NEBRASKA

Matthew L. Blomstedt, Ph.D.  
Commissioner of Education  
P.O. Box 94933  
Lincoln, NE 68509-4933,

Petitioner,

v.

Treva Nutter  
P.O. Box 249  
Spray, OR 97874,

Respondent.

NDE Case No. 22-09

**FINAL ORDER**

This matter came before the State Board of Education ("State Board"), Lincoln, Nebraska, on May 31, 2022, upon the recommendation of the Nebraska Professional Practices Commission ("NPPC") that the public Nebraska teaching certificate of the Respondent, Treva Nutter, be suspended for a period of two years effective September 10, 2022. The parties were notified of the State Board's consideration in this matter. Appearing before the State Board was Juan Román, General Counsel, on behalf of the Commissioner of Education. NPPC Clerk Kelly Muthersbaugh appeared and provided a summary of the NPPC's recommendation in this matter. The Respondent appeared with legal counsel, Nicholas Welding.

The record of the NPPC proceeding, containing the "Findings of Fact, Conclusions of Law, and Recommendation of the Commission," and all of the pleadings, exhibits, and a written transcript of the NPPC hearing, was received by the State Board into evidence as "Exhibit 1." The Notice of Disposition and the certified return receipt were received

into evidence as “Exhibit 2.” Upon its independent review of the entire record, the State Board finds, concludes, and orders as follows:

1. The State Board has jurisdiction in this case pursuant to Neb. Rev. Stat. § 79-866(2) (2014).

2. The Petitioner is Matthew L. Blomstedt, Ph.D., Commissioner of Education, P.O. Box 94933, Lincoln, NE 68509-4933.

3. The Respondent is Treva Nutter, P.O. Box 249, Spray, OR 97874.

4. The Respondent holds a public Nebraska Standard teaching certificate number 2019002253, endorsed in Physical Education PK-6 and Physical Education 7-12, with an expiration date of August 31, 2024.

5. The Respondent was employed as a physical education teacher by Shickley Public Schools beginning with the 2014-2015 school year until her resignation was accepted by the Shickley School Board on December 14, 2020.

6. The Respondent was assigned as an assistant girls’ basketball coach for Shickley Public Schools during her employment with the district.

7. During the 2020-2021 school year, the Respondent engaged in an inappropriate relationship with a female student, including such conduct as providing letters and gifts to the student, traveling to another city with the student for her to obtain a tattoo, texting the student late at night, and laying in the same hotel bed with the student for three or four hours while attending a state volleyball tournament in November 2020.

8. The Respondent failed to follow her administration’s verbal directions given to her on or about September 14, 2020, that she limit her interactions with the student to public settings, cease texting the student late at night regardless of the content, and

ensure that any communications and contact with the student be consistent with professional standards and boundaries.

9. Based upon the factual allegations contained in the preceding paragraphs of the Petition, the Respondent violated Neb. Rev. Stat. §79-866(2) which states, in part: "The board may, for just cause, revoke or suspend any teacher's or administrator's certificate. Violation of the standards established pursuant to this section, commission of an immoral act, or conviction of a felony under the laws of this state shall constitute just cause for the revocation or suspension of a teacher's or administrator's certificate by the board."; Title 92, *Nebraska Administrative Code*, Chapter 27, Section 004.02E (effective date: November 12, 2003) ("the educator: Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage"); Section 004.03C (same effective date) ("the educator: Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety"); Section 004.03D (same effective date) ("the educator: Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student"); Section 005.02B2 (same effective date) ("Each teacher . . . shall: Adhere to and enforce written and dated administrative policy of the school which has been communicated to the teacher or special services provider"); and Section 005.04A1 (same effective date) ("Each educator shall: Create an atmosphere which fosters interest and enthusiasm for learning and teaching.").

10. The NPPC has recommended that the Respondent's certificate be suspended for two years effective *September 10, 2020*—a date which does not appear

in the record. The net effect of the recommended sanction, if adopted by this board, would be that the Respondent's teaching certificate would be automatically reinstated at the end of the suspension period, i.e., September 10, 2022.

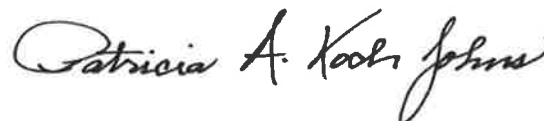
11. The State Board finds that the recommended sanction is insufficient considering the scope and extent of Respondent's conduct with the student at issue. The State Board further finds that Respondent's inappropriate and unprofessional interactions with the student continued notwithstanding the administration's directives to maintain appropriate professional boundaries.

12. By a preponderance of the evidence, just cause exists pursuant to Neb. Rev. Stat. § 79-866(2) (2014) to revoke the Respondent's teaching certificate for a period of two years.

13. Therefore, the public Nebraska Standard teaching certificate of Treva Nutter, certificate number 2019002253, endorsed in Physical Education PK-6 and Physical Education 7-12, with an expiration date of August 31, 2024, shall be revoked for a period of two years from and after the date of this order.

Dated this 31st day of May, 2022.

STATE BOARD OF EDUCATION



BY:

\_\_\_\_\_  
Pasty Koch Johns, President

The vote by the State Board of Education to approve the Final Order in Case No. 22-09, on May 31, 2022, was \_\_\_\_ in favor, \_\_\_\_ against, \_\_\_\_ abstaining, and \_\_\_\_ absent. Individual State Board members voted as follows:

IN FAVOR: M. NICKELS, R. STEVENS, P. KOCH JOHNS, L. FRICKE, D. NEARY,  
P. GUBBELS

AGAINST: K. PENNER

ABSTAINING: \_\_\_\_\_

ABSENT: J. MORRISON

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Final Order was served upon counsel for the Respondent, Nicholas Welding, Norby & Welding LLP, 605 South 14<sup>th</sup> Street, Suite 220, Lincoln, NE 68508, by regular U.S. Mail; Kelly Muthersbaugh, NPPC Clerk, 301 Centennial Mall South, Lower Level, Lincoln, NE 68509, via interoffice mail; and Juan Román, General Counsel, Nebraska Department of Education, 500 S. 84th Street, 2nd Floor, Lincoln, NE 68510-2611, via interoffice mail, all on this 3rd day of June, 2022.

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